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Subject: Standard Rules of Practice and Procedure for Housing Inspectors and Housing Inspection Division Employees.

Purpose: This bulletin is issued to establish the responsibilities and duties of the position of Housing Inspector and to establish standard rules of practice and procedure for Housing Inspectors and Housing Inspection Division (HID) Employees to follow when they are performing their official duties.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female HID employees.

Determination:

General considerations -

A HID Employee, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment. Housing Inspectors must present themselves in a professional manner at all times when performing official duties.

Article I. Public Integrity Policy

1. Policy -

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent, detect and correct instances of misconduct, whether administrative or in violation of law or the public trust.

2. Compliance with Public Integrity Policy -

It shall be the duty and responsibility of each and every HID employee to become familiar with and conduct themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 1993-03, and any other published policy statements or Commissioner's Bulletins regarding the Public Integrity Policy or ISD.

Article II: Standard Rules of Practice and Procedure for Housing Inspectors.

General Considerations:

Housing Inspectors shall at all times be prepared for the proper discharge of their official duties; shall be impartial in the use of their legal authority; shall avoid all conflicts of interest and appearances of impropriety; and shall exhibit the utmost respect for the legal rights of all. HID employees shall comply with the following standard rules of practice and procedures when performing their official duties.

Section 1.0: Reporting, Review and Scheduling of Inspections 105 CMR 410.820

1.1 General Questions

- a. Upon receipt of a request for an inspection of alleged code violation(s), the Housing Inspection Division Employee taking the complaint shall advise the complainant to notify the Property Owner or Agent of the alleged violation(s) in addition to requesting an inspection from ISD. If the complainant fails or refuses to notify the Property Owner or Agent of the alleged violation(s) that will not prevent ISD from fulfilling its responsibility to investigate alleged violations of the State Sanitary Code.
During intake HID employees must ask all of the necessary questions in order to complete the intake (4 part) form accurately, and as fully as possible.

1.2 Emergency Complaints

- a. Any request for inspection that alleges that conditions exist that may endanger or impair the health or safety of occupants or the general public, as listed in 105 CMR 410.820 S.A1, shall be deemed to be an emergency complaint. Approval from a HID supervisor is required before designating a complaint as an emergency complaint.
- b. Emergency complaints must be scheduled for an inspection within 24 hours of receipt of the request.

1.2 Non-Emergency complaints

- a. All Requests for inspections of alleged violations of the State Sanitary Code that do not meet the criteria of an emergency complaint are to be designated as non-emergency complaints.
- b. Non-emergency complaints must be scheduled for an inspection within five calendar days of the receipt of such a request.

1.3 Compliance Inspections

- a. If an inspection reveals that a dwelling does not comply with the provisions of Article II of the State Sanitary Code, a written order to correct must be prepared by the inspector and served upon the owner of the dwelling or the owner's agent in the manner provided by law.
- b. Said order to correct must contain a compliance time frame of 24 hours for emergency conditions. Non-emergency orders to correct must contain compliance time frames of 7, 14, 21 or 30 days.
- c. Emergency orders to correct must be inspected for compliance within 48 hours from the date of service of the order to correct.
- d. Non-emergency orders to correct must be inspected for compliance within 5 days after the date for compliance.
- e. A compliance inspection report must be completed and submitted by all HID Inspectors, for every compliance inspection conducted.
- f. The HID inspector must notify the property owner or agent of the results of a compliance inspection by telephone communication or by mailing a copy of the compliance inspection report to the property owner or agent. The aforementioned notification must be accomplished in no more than 5 days after the date of the compliance inspection. Notification via telephone must be direct and must be noted on the compliance inspection form and must be placed in that particular file.

1.3 Landlord Participation During an Inspection

- a. It is the policy of ISD to allow property owners and/or agents to be present during inspections for alleged violations of the State Sanitary Code and during inspections for compliance with the State Sanitary Code. If said inspection is being conducted in a dwelling unit, the occupant of that dwelling unit must approve that the owner and/or agent can accompany the ISD inspector.
- b. ISD Inspectors cannot guarantee the property owner or agent entry during an inspection and must, at all times, respect the occupant's right to have an inspection conducted solely with ISD inspectors.

Section 2.0: Obtaining Legal Entry for Inspections

2.1 Administrative Inspection Consent Forms

- a. It shall be the duty and responsibility of each inspector to familiarize himself with the rules set forth in Commissioner's Bulletin Number 1999-05 and Number 2000-02 regulating the manner in which inspectors may obtain access in order to perform inspections. Inspectors shall strictly adhere to the procedures and requirements set forth in this bulletin.
- b. This bulletin provides occupants with notice of their right to refuse to consent to an administrative inspection. And further sets forth the procedures to be followed in obtaining an administrative inspection warrant if an occupant refuses a legal request to enter by an inspector.

2.2 Foreign Language Interpretation

- a. ISD will provide interpreters as needed. Whenever HID employees are unable to communicate with a client or customer due to a language barrier a supervisor should be contacted. The supervisor will make the necessary arrangements to provide you with an interpreter.

Section 3.0: Conduct of Inspections

3.1 Presenting Identification

- a. When conducting inspections in public or with other agencies, inspectors shall identify themselves as City of Boston officials. At all times, while on duty, inspectors shall carry their badges and identification cards on their person and shall have them readily accessible for display at all times.
- b. All employees must present a badge or picture identification at the beginning of inspections. These procedures provide the public with the assurance and knowledge that they are dealing with employees of the City of Boston.

3.2 Inspections

- a. All inspections shall be conducted in accordance with 105 CMR 410.822 and any other applicable legal requirements. It is the duty and responsibility for each inspector to familiarize themselves with the above-mentioned requirement as well as all other regulations and ordinances that HID is required to enforce.
- b. All HID inspections shall include at minimum the conditions alleged to be in violation. General Examinations are to be conducted in all non-emergency cases, provided that full access to the dwelling and dwelling unit is allowed.

- c. All occupants must be informed of their right to a comprehensive inspection at the beginning of every inspection.
- d. A written summary of the conditions noted during the inspection shall be provided to the occupant or the occupant's representative at the conclusion of every inspection on a form approved by ISD.

3.3 *Emergency Inspections*

- a. If an inspection reveals conditions that present an imminent health or safety hazard to the occupant or to the general public, HID inspectors must immediately notify a supervisor.
- b. An emergency order to correct must be written during the inspection and served within 24 hours if the property owner resides within the City of Boston.
- c. The inspector must contact a supervisor and inform her/him of the conditions observed the actions taken and the inspector's recommendation for further action.

3.4 *Reporting Requirements for Emergency Cases*

- a. All emergency complaints received via intake or via inspectors in the field must be entered into the required Housing Division database(s), immediately upon receipt.
- b. Inspectors must immediately notify a supervisor of emergency conditions observed during an inspection, and await further instructions before leaving an inspection site.
- c. Supervisors and Inspectors must ensure that all complaints are properly followed through to compliance or court enforcement; and that the applicable databases are updated daily.
- d. At no less than one hour before the end of every business day each assistant director must submit a report of all the emergency inspections and re-inspections conducted during that particular business day to the Assistant Commissioner of the Housing Inspection Division or his designee.
- e. Said report must contain at minimum the address, the complainant's information, the conditions observed, the action taken, and a recommendation for any further action that may be necessary.

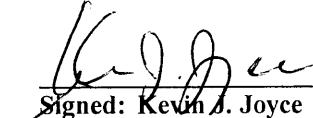
Section 4.0: Condemnations and Relocation Assistance 105 CMR 410.831

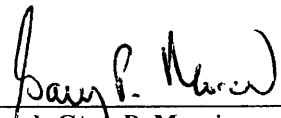
1.1 *Condemnations*

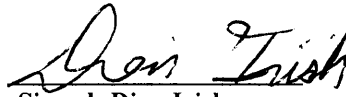
- a. All condemnations must be conducted in accordance with 105 CMR 410. 831 and 950.
 - b. Approval must be obtained from the Assistant Housing Commissioner or his designee, before a condemnation order or a vacate order is issued,
 - c. All condemnations conducted by the Housing Division must be entered in the Housing Inspection Division emergency database, under the category of condemnation.
 - d. A Special Operations Unit condemnation checklist must be completed and submitted to the director of the Investigative and Regulatory Enforcement Division and to the condemnation file.
 - e. All relocation of occupants shall be conducted in accordance with commissioner's Bulletin 2001-6, which establishes procedures to be followed by inspectors when relocating occupants from buildings is required because of dangers and life threatening conditions.
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Section 5.0: Housing Inspection Division Organization Chart

- a. The attached organizational chart outlines and memorializes the management structure of the Housing Inspection Division. The chart outlines that the Assistant Commissioner in charge of the Housing Inspection Division is first in command. The second in command of the Housing Inspection Division is Assistant Director Steven O'Donnell. The third in command of the Housing Inspection Division is Assistant Director Regina Hanson. The fourth in command of the Housing Inspection Division is Assistant Director Indira Alvarez.
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Signed: Kevin J. Joyce
Commissioner
Date: 10.17.02


Signed: Gary P. Moccia
Assistant Commissioner
Date: 10/18/02


Signed: Dion Irish
Assistant Commissioner
of Housing Division
Date: 10/21/02